

ARTICLE 1501

Fire Prevention Code

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CROSS REFERENCES

Adoption by reference - See 3rd Class Charter Law §608(a) [53 P.S. §41608(a)]; 3rd Class §2403(67) [53 P.S. §37403(67)]

- 1501.01 ADOPTION OF CODES - SECTION 1
ADOPTION OF THE BOCA NATIONAL FIRE
PREVENTION CODE/1996

This ordinance shall provide the City of Bethlehem, with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, and the maintenance of equipment, regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for the compliance and achievement of these objectives.

This Code shall be known as the City of Bethlehem Fire Prevention Code. This standard adopts the BOCA National Fire Prevention Code/1996 and its incorporated standards listed in Chapter 44, thereof, save and except those portions such as are hereinafter deleted, modified, or amended by Section 17 and 18 of this ordinance. The same are hereby adopted and incorporated as fully as if set out at length herein. Copies of the adopted issue of the BOCA National Prevention Code/1996, and the adopted standards and codes listed in Chapter 44, shall be filed in the Office of the Fire Department Bureau of Inspections, and the provisions thereof shall be controlling within the limits of the City of Bethlehem.

1501.02 DEFINITIONS - SECTION 1.

- (a) Whenever the term "Municipality" is used in the Fire Prevention Code it means the City of Bethlehem.
- (b) Whenever the term "corporation counsel" is used in the Fire Prevention Code it means the Solicitor of the City of Bethlehem.

1501.03 VIOLATIONS OF ORDINANCE - SECTION 2.

It shall be unlawful for any person to violate this ordinance, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except variation as may be allowed by the action of the Fire Marshal in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

1501.04 ADMINISTRATION - SECTION 3.

- (a) The Fire Commissioner of the Bethlehem Fire Department shall be responsible for the enforcement of the Fire Prevention Code. The Fire Commissioner of the Bethlehem Fire Department may detail qualified members of the Fire Department as inspectors as shall from time to time be necessary. To assist in the performance of the responsibilities and duties placed upon the Fire Commissioner of the Bethlehem Fire Department, a Bureau of the Fire Prevention in the Fire Department of the City of Bethlehem is hereby created.

(b) This Bureau shall be operated under the supervision of the Fire Commissioner of the Bethlehem Fire Department. The Fire Commissioner of the Fire Department shall designate a fire official of the Bethlehem Fire Department as the Fire Marshal. The Fire Marshal shall be the administrator of the Bureau of Fire Prevention. The Fire Marshal and his designees shall be responsible for the direct administration and enforcement of the Fire Prevention Code as maybe set forth by the Fire Commissioner of the Bethlehem Fire Department. (For purposes of this Article, the Fire Marshal's designees shall include Fire Inspectors, Hazardous Materials Officers, and Police Officers.) The Fire Marshal shall be appointed on the basis of examination or other method for determining qualification. The Fire Commissioner of the Bethlehem Fire Department may also designate such number of Technical Inspectors as shall from time to time be authorized by the Mayor. Such Technical Inspectors shall be selected through an examination to determine their fitness for the position.

1501.05 ENFORCEMENT - SECTION 4.

It shall be the duty of the officer or the Bureau of Fire Prevention to enforce all laws and ordinances of the City of Bethlehem, covering the following:

- 1) The prevention of fires;
- 2) The storage, sale, and use of combustible, flammable or explosive materials;
- 3) The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
- 4) The maintenance and regulation of fire escapes;
- 5) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging, houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose;
- 6) The investigation of the cause, origin, and the circumstances of fire;
- 7) The maintenance of fire cause and loss records.

They shall have such other powers and perform such other duties as are set forth in other sections of this ordinance, and as may be conferred and

imposed from time to time by law. The Fire Commissioner of the Bethlehem Fire Department may delegate any powers or duties under this ordinance to the Fire Marshal and his designees.

1501.06 INSTRUCTIONS, REPORT FORMS - SECTION 5.

The Fire Commissioner of the Bethlehem Fire Department shall prepare instructions for the Fire Marshal and the Fire Marshal's assistants, and forms for their use in the reports required by this ordinance.

1501.07 INVESTIGATIONS AND REPORTING OF FIRES - SECTION 6.

(a) The Bureau of Fire Prevention shall investigate the cause, origin, and circumstances of every fire occurring in the City of Bethlehem by which property has been destroyed or damaged and so far as possible, shall determine whether to fire is the result of carelessness or design. Such investigation shall begin immediately upon the occurrence of such a fire. The Fire Marshal shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

(b) Every fire shall be reported in writing to the Bureau of Fire Prevention within one day after the occurrence of the same by the Fire Department officer in whose jurisdiction such a fire has occurred. Such report shall be in such a form as shall be prescribed by the Fire Marshal of the Bethlehem Fire Department, and shall contain a statement of all facts relating to the cause, origin, and the circumstances of such fire, the extent of damage thereof, and the insurance upon such property, and such other information as may be required, including the injury, death, or rescue of persons.

1501.08 PERMIT APPROVAL - SECTION 7.

Before permits may be issued as required by this code, the Fire Marshal or the Fire Marshal's assistants shall inspect and approve the receptacles, processes, vehicles, buildings, or storage places to be used for any such purposes.

1501.09 INSPECTIONS AND ORDERS - SECTION 8.

The Fire Marshal shall inspect or cause to be inspected all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

1501.10 IDENTIFICATION OF VIOLATIONS - SECTION 9.

(a) Whenever any inspector, as defined above, shall find in any building, or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which so situated as to endanger property or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operation of Fire Department or egress of occupants in the case of fire, the inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or building, subject to the appeals procedure provided for the Fire Prevention Code.

(b) Any owner or occupant failing to comply with such order within a reasonable time period after the service of the said order shall be liable to penalties as herein provided.

(c) The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any person in charge of the premises, or in the case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or if such owner is absent from the jurisdiction of the officer making the order, by mail such copy by certified mail to the owner's last known Post office address.

1501.11 RECORDS - SECTION 10.

The Fire Marshal shall compile and keep-a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons,

statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the Fire Department Officer. All such records shall be public.

1501.12 ANNUAL REPORT - SECTION 11.

The Fire Marshal shall make an annual report of the activities of the Bureau of Fire Prevention and shall transmit this report to the Chief Executive Officer of the Bethlehem Fire Department. The report shall contain all proceedings under the Fire Prevention Code with the statistics as the Fire Commissioner may wish to include therein.

1501.13 RECOMMENDATIONS ON CODE AMENDMENTS - SECTION 12.

The Fire Commissioner of the Bethlehem Fire Department or the Fire Marshal shall also recommend any amendments to the Fire Prevention Code or ordinance that shall be desirable.

1501.14 APPLICABILITY OF PROVISIONS - SECTION 13.

The provisions of the Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structure and their occupancies, except as otherwise specified.

1501.15 CONSTRUCTION OF ACT - SECTION 14.

This act shall be deemed an exercise of the police powers of the City of Bethlehem for the preservation and protection of the public health, peace, safety, and welfare, and all provisions of the Fire Prevention Code shall be liberally construed for that purpose.

1501.16 PENALTIES - SECTION 15.

Any person who shall violate any of the provisions of the Code hereby adopted, or its amendments, or fail to comply therewith, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such

an order as affirmed or modified by Council or by a court of competent jurisdiction, within the time herein, shall severally, and for each and every such violation and noncompliance, respectively, be fined:

- (a) First Violation - A fine of \$200.00, or thirty day imprisonment, or both.
- (b) Second Violation - A fine of \$500.00, or sixty days imprisonment, or both.
- (c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations, or defects within a reasonable time; and when not otherwise specified, each ten (10) days the prohibited conditions are maintained, shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

1501.17 CODES BOARD OF APPEALS - SECTION 16.

When a person wishes to appeal a decision of a fire official enforcing the Code adopted pursuant to Article 1501 of the Codified Ordinances of the City of Bethlehem to include permits, certificates, waiver, alternate methods, approvals, variances or mode of Code interpretations, an appeal shall be filed under the guidelines of Article 150 of the Codified Ordinances of the City of Bethlehem, Code Board of Appeals.

1501.18 AMENDMENTS, ADDITIONS, MODIFICATIONS, AND DELETIONS - SECTION 17.

The BOCA National Fire Prevention Code/1996 is amended and changed in the following respects:

- (a) Administration, Amend Section F-101.0 General, subsection F-101.1 Title: These regulations shall be known as the Fire

Prevention Code of The City of Bethlehem hereinafter referred to as "this code."

Amend and Delete Section F-107.0 Permits, subsection F-107.2.3 Permits: The following permits will be required by the Bethlehem Fire Department:

Bonfires/Open Burning	
fee plus the cost of two firefighters	\$25.00
Fire Works Display	
fee plus the cost of two firefighters	\$25.00
Open Flame For Public Performances	
fee plus the cost of one firefighter	\$25.00
Helicopter Landings Within City Limits	
landing of helicopter in City	\$25.00
use of helicopter in construction within the City	\$100.00/hr
Removal of Underground Flammable & Combustible Liquid Storage Tanks/each	\$50.00

EXCEPTION: interior home heating oil tanks

(b) Chapter 31, Fireworks

Amend Section, F-3103.4 Bond for display: The permit holder shall furnish a liability insurance policy with a minimum coverage of one million dollars or a bond in an amount deemed adequate by the Fire Marshal for the payment of all damages which may be caused either to a person or to property by reason of the permitted display, and arising from any act of the permittee, the permittee's agent, employees or subcontractors.

(c) Chapter 44, Referenced Standards

(1) NFPA # 30, STORAGE OF FLAMMABLE LIQUIDS,
OUTSIDE ABOVE GROUND TANKS.

The limits referred to in NFPA # 30 of the National Fire Protection Code in which storage of flammable liquids in outside above-ground tanks is prohibited are established as follows: All of the City, except for municipal property, authority property, and light, medium and heavy manufacturing districts as established, from time to time, by the Zoning Ordinance.

CHAPTER 2 TANK STORAGE

Amend Section 2-3.9 Abandonment or reuse of Underground Tanks.

Abandonment or Reuse of Underground Tanks

Be deleted and amended to read:

Section 2-3.9 Removal or reuse of Underground Tanks.

NFPA # 30 Flammable and Combustible Liquid Code. Appendix C: 30-55,

Appendix C Abandonment or Removal of Underground Tanks Be deleted and amended to read:

Appendix C Removal of Underground Tanks

Sub. Section C-1-1 Amended to read:

Care is required not only in the handling and use of flammable or combustible liquids, but also in the removal of tanks that have held flammable or combustible liquids. This is particularly true of underground service station tanks that are most frequently used for the storage of motor fuel and occasionally for the storage of other flammable or combustible liquid such as crankcase draining (which may contain gasoline). Through carelessness, explosions have occurred because flammable or combustible tanks have not been properly prepared before being removed.

Sub. Section C-1-2 Amended to read:

In order to prevent accidents caused by improper conditioning,

it is required that the procedures outlined below be followed when underground tanks are removed or temporarily taken out of service.

Sub. Section C-1-3 Amended to read:

Underground tanks taken out of service may be safeguarded or disposed of by one of the two following means.

- (a) Placed in "temporarily out of service" only when it is planned that they will be returned to active service within a reasonable period of time or pending removal within 90 days.
- (b) Removed.

Sub. Section C-1-4 Amended to read:

In case where tanks are rendered "temporarily out of service" records shall be kept of tank size, location, and date.

Sub. Section C-1-5 Amended to read:

Procedures for removing underground tanks or rendering tanks temporarily out of service are described in the following sections. No Cutting torch or other flame or spark producing equipment shall be used until the tank has been completely purged or otherwise rendered safe. In each case, the numbered steps given shall be carried out successively.

Section C-3 Delete entire section: "Abandoning Underground Tanks in Place."

(2) NFPA # 58, LIQUEFIED PETROLEUM GASES

The limits referred to in NFPA # 58 of the National Fire Protection Code in which bulk storage of liquefied petroleum gases is restricted are hereby established as follows: All of the City except for light, medium and heavy manufacturing districts as established, from time to time, by the Zoning Ordinance.

(3) NFPA # 495, STORAGE OF EXPLOSIVES AND BLASTING AGENTS.

The storage referred to in the NFPA # 495 of the National Fire

Protection Code in which storage of explosives and blasting agents is prohibited are the limits of the City of Bethlehem.

(d) Adoption, and Amendments of Appendix A

(1) Amend to read: BE IT ORDAINED BY THE CITY OF BETHLEHEM AS FOLLOWS:

(2) Amend to read: Section 1. Adoption of fire control measures and regulations. There is hereby adopted by the City of Bethlehem the fire control measures and regulations as set forth herein for the purposes of controlling conditions which could impede or interfere with fire suppression forces.

(3) Amend to read: Section 6. Definition of authorized emergency vehicle. Authorized emergency vehicles shall be restricted to those that are defined and authorized under the laws of the State of Pennsylvania.

(4) Amend to Read: Section 19. If this Ordinance and any other Ordinance duly adopted by the City of Bethlehem address the same issue or standard, in all cases, the more stringent standard or requirement shall apply.

(5) Amend to read: Section 20. Effective date. This ordinance shall take effect and be in force from and after its passage, on April 1, 1997 [in accordance with applicable law governing effective date of ordinances].

(e) Amend Chapter 5, "Fire Protection Systems", under "Section F-503.0 Existing Structures", to add the following new Section F-503.7:

F-503.7: Automatic Sprinkler Retrofit for
High-Rise Buildings

(a) The following existing structures located within the City of Bethlehem shall be required to have installed automatic sprinkler systems in

accordance with NFPA 13: All buildings seventy-five feet or taller (such distance to be measured from the lowest level of Fire Department vehicle access).

(b) Owners of all such buildings described in F-503.7(a) hereinabove, shall submit within two (2) years of the passage of this Ordinance sprinkler plans for approval by the City of Bethlehem. An additional four (4) years shall be allowed for the installation of approved sprinkler systems. Failure to submit plans and/or failure to comply with the installation requirements, within the deadlines set forth herein, shall be subject to penalties as provided in Section 1501.16 of this Article.

(c) When a person wishes to appeal, within the two year planning stage, a decision of a fire official enforcing this Section to include permits, certificates, waiver, alternate methods, approvals, variances or mode of Code interpretations, an appeal shall be filed under the guidelines of Article 150 of the Codified Ordinances of the City of Bethlehem, Code Board of Appeals. (Ord. 3815 - Passed 4/1/97; Ord. 3998 - Passed 3/7/00)

(D) Additions

(2) Water Supply and Fire Hydrants

(a) The Fire Marshal may require that all premises where building or portions of buildings are constructed and located in such a manner that access to public fire hydrants is minimal or of distance such that the Fire Marshal can demonstrate that fire fighting operations

would be impaired, be provided with a water supply system installed in accordance with the provisions of NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances.

(E) Portable Fire Extinguishers

In addition to all locations set forth in BOCA NATIONAL FIRE PREVENTION CODE/1996 Section F-519.2, Portable Fire Extinguishers shall be installed in B (business), M (mercantile), F (factory and industrial), S (Storage Use groups), and R-2 (apartments, dormitories, and boarding houses). (Ord. 3930. Passed 1/5/99.)